

(A) 167, 5,

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CALPINE CORPORATION, et al.,

Debtors.

CALIFORNIA DEPARTMENT OF WATER  
RESOURCES, et al.,

Plaintiffs,

v.

CALPINE CORPORATION, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1-19-06

05 Civ. 10842 (RCC)

05 Civ. 10861 (RCC)

05 Civ. 10875 (RCC)

**STIPULATED ORDER WITHDRAWING REFERENCE OF  
ADVERSARY PROCEEDING**

This Court having withdrawn the reference to the Bankruptcy Court of the Motion of the Debtors for Entry of an Order Authorizing Debtors to Reject Certain Energy Contracts in the above-captioned contested matter by Order dated January 5, 2006, having held a Status Conference on January 6, 2006, and having entered a Stipulated Order on January 12, 2006 with respect thereto, and the parties to this matter having reached agreement on the additional matter set forth herein, and the Court being satisfied with such agreements and finding that good cause exists for granting the relief set forth herein,

IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

1. Defendants and the Federal Energy Regulatory Commission ("FERC") consent to this Court's withdrawal of the reference to the Bankruptcy Court in the adversary proceeding *Calpine Kennedy Operators, Inc., et al. v. Federal Energy Regulatory Commission*, ADV. No.

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05-03571-brl, and the reference with respect to the foregoing adversary proceeding is hereby withdrawn. The temporary restraining order will remain in place unless and until the Court instructs otherwise. FERC's date to answer, move or otherwise respond to the Complaint in the adversary proceeding is hereby extended to March 1, 2006.

SO ORDERED.

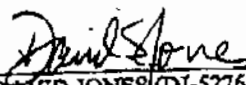
DATED: New York, New York  
January 19, 2006



Richard Conway Casey  
United States District Judge

AGREED AS TO FORM ON THIS 13<sup>TH</sup> DAY  
OF JANUARY, 2006:

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